

  
DOCKET NO.: LCOM-0657

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

**Frank Constantini**

**Application No.: 10/798,762**

**Filing Date: March 11, 2004**

**For: MULTIMODE MODEM WITH AUTOMATIC NEGOTIATION OF  
OPERATIONAL MODE**

**Confirmation No.:**

**Group Art Unit: Not Yet Assigned**

**Examiner: Not Yet Assigned**

DATE OF DEPOSIT:

*April 15, 2004*  
I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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TYPED NAME: *Joseph R. Condo*  
REGISTRATION NO.: 42,431

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached;

or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☐ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

## EXCEPT THAT:


- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☒ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☒ Copies of references **1 thru 13** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. **09/577,699**, filed **May 23, 2000**.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

There are no listed references which are not in the English language.

Date:

April 15, 2004

  
\_\_\_\_\_  
Joseph R. Condo  
Registration No. 42,431

WOODCOCK WASHBURN LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439



<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. <b>LCOM-0657</b>	Application No. <b>10/798,762</b>
	Applicant <b>Frank Costantini</b>	
	Filing Date <b>March 11, 2004</b>	Group <b>Not Yet Assigned</b>

**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	1	4,920,567	04/24/90	Malek	380	33
	2	4,931,250	06/05/90	Greszczuk	375	8
	3	5,245,560	09/93	Cunningham, et al.	354	715.11
	4	5,341,426	08/23/94	Barney, et al.	380	21
	5	5,349,635	09/20/94	Scott	379	97
	6	5,404,394	04/04/95	Dimolitsas, et al.	379	100
	7	5,633,890	05/27/97	Ahmed	375	219
	8	5,724,414	03/03/98	Dimolitsas, et al.	379	100.17
	9	5,732,104	03/24/98	Brown, et al.	375	222
	10	5,796,808	08/98	Scott, et al.	379	93.31
	11	5,963,621	10/05/99	Dimolitsas, et al.	379	93.08
	12	5,963,622	10/99	Walsh, Dale M	379	93.33
	13	6,122,071	09/00	Yoshida	358	434

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO

**EXAMINER**

**DATE CONSIDERED**